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URBAN
MUNICIPAL

Urban Municipal

Policy Against
Discrimination
and Harrassment



1992 May 12

Appendix "A" referred
to in Section 28 of the
Twelfth Report of the
Finance and Administration
Committee for 1992.

POLICY AGAINST DISCRIMINATION & HARASSMENT

The Regional Municipality of Hamilton-Wentworth and the Corporation of the City of Hamilton will ensure that the protection provided by the Ontario Human Rights Code against discrimination and harassment is respected and maintained in the workplace. Harassment is defined as engaging in a course of vexatious comment or conduct that is known or ought to reasonably be known to be unwelcome.

The Ontario Human Rights Code prohibits discrimination and/or harassment based on one or more of the following grounds:

- | | |
|----------------------|---------------------|
| - handicap | - race |
| - sex | - colour |
| - sexual orientation | - creed |
| - citizenship | - family status |
| - marital status | - age(18-65) |
| - ethnic origin | - place of origin |
| - ancestry | - record of offense |

Training programs will be provide to alert all staff to their rights under this legislation and to emphasize the commitment of the employer to the achievement of the goals of the legislation.

33. For the information of the members of City Council, the Finance and Administration Committee have revised the Terms of Reference of the English Language Sub-Committee to include the words, "under the control and jurisdiction of Hamilton City Council" at the end of the mandate. The English Language Sub-Committee have been advised that only issues of municipal content will be considered by the Finance and Administration Committee.
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35. That leave be granted to introduce the following Bills:
- (a) Bill H-38 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.
 - (b) Bill H-39 A By-law to Appoint a City Treasurer.
ADDED AND CARRIED.
36. That the Memorandum of Agreement between the Corporation of the City of Hamilton and C.U.P.E. Local 1041 dated April 9, 1992 be approved and implemented in accordance with the terms therein. ADDED AND CARRIED.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

Susan K. Reeder
Secretary
1992 May 7

PROCEDURES & GUIDELINES

DEFINITIONS:

1. Discrimination

Refers to intolerant behaviour towards individuals or groups. The intolerant behaviour may be direct (eg. denying people access to jobs based on their colour, nationality, dress, etc.) or systemic (eg. denying someone a job because of culturally-biased testing). Discrimination may come from an individual or through systems and attitudes perpetuated within institutions.

2. Harassment

Defined as engaging in a course of vexatious comments or conduct that is known or ought to be known to be unwelcome. Harassment can make you feel uncomfortable, embarrassed, offended or intimidated. Types of behaviour that may constitute harassment include, but are not limited to:

- unwelcome jokes about one's colour, ancestry, religion, etc
- display of racist pictures
- teasing or gestures which can cause embarrassment.

RESPONSIBILITIES:

1. The Regional Municipality of Hamilton-Wentworth and the Corporation of the City of Hamilton are responsible for:

- 1) ensuring corporate policies and procedures comply with the provisions in the Ontario Human Rights Code.
- 2) providing human rights training to all employees.
- 3) creating an environment that encourages prospective complainants to report all incidents of discrimination or harassment.

- 4) a redress mechanism to handle and investigate discrimination and harassment complaints.
2. Management personnel have the responsibility to:
 - i) protect all employees from discrimination and harassment.
 - ii) respond immediately to all complaints.
 - iii) discipline those employees found guilty of violating this policy.
3. Every employee of this organization has the responsibility of ensuring that the work environment is free from discrimination and harassment. Every employee is discouraged from engaging in any activity that may be perceived as discrimination or harassment.

PROCEDURE:

1. Employees who have a complaint alleging a violation of this policy are encouraged to:
 - a) make your disapproval and/or unease known to the harasser or source of discrimination and request all offensive behaviour to cease; or
 - b) discuss concerns with an immediate supervisor; or
 - c) seek advice from a union representative.
2. If the complainant is not satisfied with the outcome of the first step, or the harassment/discrimination has not ceased the complainant may arrange an interview with the Employment Equity Office.
3. a) The complainant should provide the Employment Equity Office with the following details:
 - the nature of the complaint
 - supporting information
 - specific incidents of the complaint
 - names of witnesses willing to provide information
 - the information that the witnesses are expected to provide.b) Following the initial interview the complainant may be requested to complete a complaint form.

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4. Once the complaint form is received by the Employment Equity Office, it will be assigned for investigation. The Department Head of the complainant and the Commissioner of Human Resources will be notified that an investigation is being conducted.
5.
 - a) The Employment Equity investigator will notify the respondent that a complaint has been received and will arrange a date and time for an interview.
 - b) At the interview, the complaint will be reviewed with the respondent who will be requested to respond to the allegations. If a formal complaint has been received the respondent will be requested to respond in writing.
 - c) If the respondent refuses to meet with the Employment Equity Office, the investigation will proceed and a decision will be made based on information provided by all other sources.
6. During the interview with the respondent, any additional information provided must be signed.
7. Interviews will be arranged and completed with witnesses and any other individuals who may offer pertinent information to the investigation. All persons interviewed must sign their statement of facts to ensure accuracy.
8.
 - a) Any employee attending a meeting is entitled to be accompanied by one other person of their choice.
 - b) Further meetings may be requested by the Employment Equity Office or designate if clarification of information is required.
9. Once the investigation is complete, the Employment Equity Office will forward a report of findings and recommendations to the Commissioner of Human Resources.
 - a) The appropriate Department Head will be notified in writing of the findings of the investigation and the recommendations.
 - b) The complainant and respondent(s) will be notified by the Employment Equity Office of the findings of the investigation.
 - c) If the investigation reveals the complaint is unfounded, a request may be made for the complainant to appear before the supervisor and a designate

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from the Employment Equity Office to show cause why discipline should not be imposed for an abuse of process.

DISCIPLINARY ACTION:

Where an employee has violated the Region and City's Policy Against Discrimination and Harassment the department will be responsible for imposing disciplinary action on that employee. A letter from the Department Head stating the action taken should be forwarded to the Employment Equity Office within 5 working days of receipt of notification of findings.

RETALIATION:

Any form of retaliation against a complainant will be considered a serious violation of this policy and will not be tolerated. Such actions will be subject to disciplinary action.

APPEALS:

If the complainant or respondent(s) requests reconsideration of the findings of the investigation, an appeal must be made in writing within 10 days of the date the complainant and respondent(s) were notified of the findings and must include a statement of just cause as to why the findings of the investigation should be reexamined. All parties involved will be notified that a request for reconsideration has been made and will be given the opportunity to reply. The Commissioner of Human Resources will make a final decision on the disposition of the case.

FALSE ACCUSATIONS:

The Region and City do not approve of any behaviour that undermines working relationships and personal dignity, and therefore will not condone any false and fabricated

1992 May 12

charges against innocent employees. Any employee found to be engaged in such behaviour will be subject to disciplinary action as outlined in this policy.

CONFIDENTIALITY:

1. All complaints and investigations will be handled as confidentially as practicable and appropriated under the circumstances.
2. All records of complaints, including contents of meetings, interviews, results of investigations and other relevant material will be kept confidential by the Employment Equity Office except where disclosure is required by law.

THE ONTARIO HUMAN RIGHTS COMMISSION:

At any point in an investigation the complainant has the right to file a complaint with the Ontario Human Rights Commission.

SEXUAL HARASSMENT POLICY

The Regional Municipality of Hamilton-Wentworth and the Corporation of the City of Hamilton believes that all employees have a right to a working environment free from sexual harassment. In order to achieve this desired environment this organization will not accept or tolerate sexual harassment in the workplace. Our commitment to this goal includes sexual harassment education for all employees, the creation of an environment that encourages the reporting of all sexual harassment incidents, and the provision of a redress mechanism to handle and investigate all sexual harassment complaints.

Sexual harassment is:

- any sexual incident that is offensive, humiliating or persistent to any employee, or
- a threat, reprisal or denial of opportunity for refusal to comply with a sexually oriented request, or
- a promise for reward for complying with a sexually oriented request.

Sexual harassment includes, but is not limited to unwanted touching, unwelcome sexual flirtations, leering, advances, propositions, sexual assault, sexually suggestive remarks and the display of sexually offensive material in the workplace.

Sexual harassment victims may be either male or female. Most often sexual harassment is directed by a male in authority towards a female subordinate, however harassment may also occur between co-workers, and persons of the same gender.

The Regional Municipality of Hamilton-Wentworth and the Corporation of the City of Hamilton have developed procedures and guidelines to accompany this policy because all employees have the right to be treated with dignity, respect and fairness in the workplace.

PROCEDURES & GUIDELINES

DEFINITIONS:

1. Sexual Harassment

a) one or more verbal, non-verbal, visual, physical or psychological incidents of a sexual nature that:

- i) is likely to cause offence or humiliation to any employee, or
- ii) might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or any opportunity for training or promotion.

b) Types of behaviour which constitute sexual harassment include, but are not limited to:

- unwanted touching or patting
- sexually suggestive or obscene remarks
- leering (suggestive staring) at a person's body
- display of sexually offensive material
- demands for sexual favours
- unwelcome sexual flirtations, advances, propositions
- sexual assault.

c) Sexual harassment most often occurs in the form of behaviour by a male in authority towards females in subordinate positions; however, sexual harassment may also occur between men, between women, between co-workers, or as behaviour by women towards men.

2. Sexual Harassment in the Workplace

Refers to any sexual harassment by an employee of this organization which occurs:

- i) during normal working hours, or

- ii) any other work-related settings, such as conferences, seminars or business-related social events.

RESPONSIBILITIES:

1. The Regional Municipality of Hamilton-Wentworth and the Corporation of the City of Hamilton are responsible for providing:

- i) all employees with sexual harassment education.
 - ii) an environment that encourages prospective complainants to report all incidents of sexual harassment.
 - iii) a redress mechanism to handle and investigate sexual harassment complaints.
2. Management personnel have the responsibility to:
- protect all employees from sexual harassment
 - respond immediately to complaints
 - discipline those employees found guilty of violating this policy.

Managers that are aware of harassment and do not take corrective action, may be subject to disciplinary action.

3. Every employee of this organization has the responsibility of ensuring that the work environment is free from sexual harassment. Every employee is discouraged from engaging in any behaviour that may be perceived as sexual harassment. In addition, every employee who believes another employee is experiencing sexual harassment or retaliation is encouraged to follow the procedures outlined in this policy.

PROCEDURE:

1. Any employee that believes they have been subjected to sexual harassment should make their disapproval known to the harasser and request all offensive behaviour to cease.
2. If the complainant does not wish to approach the alleged harasser or such an approach does not produce satisfactory results the complainant should seek the

advice of a union representative, supervisor, department head or the Employment Equity Office.

3. The complainant should maintain a written record of the alleged nature of the harassment, date(s), time(s), behaviour and if any witness(es).
4. If advice is sought the complainant will be made aware of their rights, available counselling, and other avenues of recourse.
5.
 - a) The meeting should determine whether the conduct described constitutes sexual harassment according to the definition in this policy.
 - b) Following the initial interview the complainant may be requested to complete a complaint form.
6. The person(s) named in the complaint (the respondent) will be contacted and notified of the allegations and requested to respond to the allegations.
7. Interviews will be arranged and completed with witnesses and any other individuals who may offer pertinent information to the investigation. All persons interviewed must sign their statement of facts to ensure accuracy.
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 - c) If the investigation reveals the complaint is unfounded, a request may be made for the complainant to appear before the supervisor and a designate from the Employment Equity Office to show cause why discipline should not be imposed.

DISCIPLINARY ACTION:

Any employee who has violated the Region and City's Sexual Harassment Policy will be disciplined by the department according to the severity of the actions, up to and including dismissal. A letter from the Department Head stating the action taken should be forwarded to the Employment Equity Office within 5 working days of receipt of notification of findings.

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APPEALS:

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1992 May 12

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

Appendix "B" referred
to in Section 31 of the
Twelfth Report of the
Finance and Administration
Committee for 1992.

TO: Alderman D. Ross, Chairperson
and members,
Finance and Administration Committee

YOUR FILE:

FROM: Susan K. Reeder, Secretary
Finance and Administration Committee
City Clerk's Department

OUR FILE:
PHONE:

SUBJECT: Applications for exemption as
prescribed in Bill 115 and
The Retail Business Holidays Act,
Ontario for the purpose of permitting
Sunday and holiday shopping.

DATE: 1992 May 5

Attached herewith is a copy of a letter recently received with respect to the above-noted matter.

This same letter has been reproduced and received from the following:

(a) Eric Paul, Chairman and Chief Executive Officer for Bi-Way Stores Limited on behalf of the following stores:

- (i) 416 Concession Street (attached)
- (ii) 770 Upper James - Bi-Way/Drug World
- (iii) Centre Mall, 1227 Barton Street East
- (iv) 1037 Mohawk Road East - Bi-Way/Drug World
- (v) Strathbarton Mall, 1565 Barton Street East
- (vi) Mountain Plaza Mall, 679 Upper James
- (vii) Queenston Mall, 686 Queenston Road, Stoney Creek
- (viii) Westcliffe Mall, Mohawk & Upper Paradise
- (ix) 1629 Main Street West
- (x) 135 James Street North

(b) Joel Cooper, President and General Manager, Braemar on behalf of the following stores:

- (i) Lloyd D. Jackson Square, 2 King Street West
- (ii) Limeridge Mall, 999 Upper Wentworth Street (Braemar Petites)
- (iii) Limeridge Mall, 999 Upper Wentworth Street

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FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1992 May 7**

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MEMORANDUM

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TO: Alderman D. Ross, Chairperson
and members,
Finance and Administration Committee

YOUR FILE:

FROM: Susan K. Reeder, Secretary
Finance and Administration Committee
City Clerk's Department

OUR FILE:
PHONE:

SUBJECT: Applications for exemption as
prescribed in Bill 115 and
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Attached herewith is a copy of a letter recently received with respect to the above-noted matter.

This same letter has been reproduced and received from the following:

(a) Eric Paul, Chairman and Chief Executive Officer for Bi-Way Stores Limited on behalf of the following stores:

- (i) 416 Concession Street (attached)
- (ii) 770 Upper James - Bi-Way/Drug World
- (iii) Centre Mall, 1227 Barton Street East
- (iv) 1037 Mohawk Road East - Bi-Way/Drug World
- (v) Strathbarton Mall, 1565 Barton Street East
- (vi) Mountain Plaza Mall, 679 Upper James
- (vii) Queenston Mall, 686 Queenston Road, Stoney Creek
- (viii) Westcliffe Mall, Mohawk & Upper Paradise
- (ix) 1629 Main Street West
- (x) 135 James Street North

(b) Joel Cooper, President and General Manager, Braemar on behalf of the following stores:

- (i) Lloyd D. Jackson Square, 2 King Street West
- (ii) Limeridge Mall, 999 Upper Wentworth Street (Braemar Petites)
- (iii) Limeridge Mall, 999 Upper Wentworth Street



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